# CALIFORNIA STATE PARK and RECREATION COMMISSION

De Anza Room, Borrego Springs Resort 1112 Tilting T Drive Borrego Springs, California

# Minutes of the Special Meeting · Friday, February 9, 2007

#### **COMMISSIONERS PRESENT**

Jack Baylis Caryl Hart Bobby Shriver, CHAIR Acquanetta Warren Paul Junger Witt

#### **COMMISSIONERS ABSENT**

Joseph Cotchett Clint Eastwood, VICE CHAIR Sophia Scherman

## STATE PARKS STAFF PRESENT

Ruth Coleman, Director
Bill Herms, Deputy Director, Legislation
Louis Nastro, Assistant to the State Park and Recreation Commission
Tony Perez, Chief, Southern Field Division
Roy Stearns, Deputy Director, Communications
Bradly Torgan, General Counsel

## CALIFORNIA STATE ATTORNEY GENERAL'S OFFICE Participating via teleconference

Brian Hembacher, deputy attorney general Richard Magasin, supervising deputy attorney general

## AGENDA ITEM 1: CALL TO ORDER

Legal notice having been given, this special meeting of the California State Park and Recreation Commission was called to order at 9:06 a.m. by Commission Chair Bobby Shriver. Chair Shriver explained that the Commission would immediately proceed to closed session as permitted by law, and that any reportable items from the closed session would be announced afterward in open session. There were no members of the public present.

#### **AGENDA ITEM 2:**

**CLOSED SESSION** pursuant to Government Code section 11126(e) and specifically Government Code section 11126(e)(2)(C)(i), which authorizes a state body to confer with legal counsel when the state body has decided to initiate or is deciding whether or not to initiate litigation, regarding a proposal before the Tulare County Board of Supervisors to permit construction of two commercial dairy operations near Colonel Allensworth State Historic Park

The closed session for this agenda item consisted of a conference with California State Parks legal counsel and discussion as described on the agenda.

#### **AGENDA ITEM 3:**

**CLOSED SESSION TO DISCUSS PENDING LITIGATION** As permitted by Government Code section 11126, subdivision (e)(2)(A): People of the State of California, ex rel. Attorney General Bill Lockyer and State Park and Recreation Commission v. Foothill/Eastern Transportation Corridor Agency, a joint powers authority; Board of Directors of the Foothill/Eastern Transportation Corridor Agency (San Diego Superior Court Case No. GIN 051371)

For this agenda item Chair Shriver cleared the room of all California State Parks staff with the exception of Louis Nastro, Assistant to the Commission, who remained to compose confidential meeting minutes for the closed session. The commissioners were joined via telephone by Brian Hembacher and Richard Magasin of the California State Attorney General's office.

#### **AGENDA ITEM 4:**

### PUBLIC ACCOUNT OF REPORTABLE ITEMS FROM CLOSED SESSIONS

Chair Shriver reconvened the Commission in open session at 10:04 a.m. The Chair stated that the only reportable item from the closed sessions was the Commission's request to amend the Governor's Office Action Request currently being prepared by State Parks legal counsel to include the State Park and Recreation Commission along with the Department of Parks and Recreation (State Parks) as requestors. This Governor's Office Action Request seeks authorization to litigate against Tulare County if the Etchegaray Dairies project near Colonel Allensworth State Historic Park is approved for construction by the Tulare County Board of Supervisors.

# AGENDA ITEM 5: ADJOURNMENT

There being no further business, Chair Shriver adjourned the meeting at 10:05 a.m.

ATTEST:	These minutes were approved by the California State Park and Recreation Commission on May 4, 2007, at its duly-noticed public meeting in Sebastopol, California.			
	By:	ORIGINAL SIGNED BY	Date: _	5-4-07
	Louis Nastro Assistant to the Commission For Ruth Coleman, Director California Department of Parks and Recreation Secretary to the Commission			

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- 1. Call to Order
- 2. CLOSED SESSION pursuant to Government Code section 11126(e) and specifically Government Code section 11126(e)(2)(C)(i), which authorizes a state body to confer with legal counsel when the state body has decided to initiate or is deciding whether or not to initiate litigation, regarding a proposal before the Tulare County Board of Supervisors to permit construction of two commercial dairy operations near Colonel Allensworth State Historic Park.
- 3. CLOSED SESSION to discuss pending litigation as permitted by Government Code section 11126, subdivision (e)(2)(A): People of the State of California, ex rel. Attorney General Bill Lockyer and State Park and Recreation Commission v. Foothill/Eastern Transportation Corridor Agency, a joint powers authority; Board of Directors of the Foothill/Eastern Transportation Corridor Agency (San Diego Superior Court Case No. GIN 051371).
  - Members of the public wishing to attend the meeting should note that the meeting room will be cleared during the closed sessions.
- 4. Public account of reportable items, if any, from closed sessions
- 5. Adjourn